

**MINUTES OF THE PLANNING BOARD MEETING**  
**Thursday January 28, 2021**

Present:

Chairman Larry Lonergan  
Mayor Jack McEvoy  
Ms. Jessica Pearson  
Mr. Al DeOld  
Mr. David Freschi  
Ashley Neale, Planning Board Secretary

Deputy Mayor Alex Roman  
Mr. Tim Camuti  
Mr. Steven Neale  
Mr. Jason Hyndman  
Mr. Greg Mascera, Planning Board Attorney

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Meeting called to order at 7:31 P.M. by Chairman Lonergan. This meeting was held via Zoom Video Conferencing due to COVID-19 pandemic.

**Pledge of Allegiance:**

Chairman Lonergan reads Open Public Meetings Act Statement and explains how the public can raise their virtual hands to participate in the meeting.

**Oath of Office**

Mr. Mascera swears in Mr. Neale as a Class II Member whose term expires 12/31/21

**Approval of Minutes**

Chairman Lonergan asks for a motion to approve the minutes from the Boards special meeting held on August 18, 2020. Deputy Mayor Roman makes the motion, Mr. Freschi seconds. All present were in favor.

Chairman Lonergan asks for a motion to approve the minutes from the Boards special meeting held on August 25, 2020. Ms. Pearson makes the motion, Mr. Neale seconds. All present were in favor.

Chairman Lonergan asks for a motion to approve the minutes from the Boards regular meeting held on September 24, 2020. Deputy Mayor Roman makes the motion, Mr. Camuti seconds. All present were in favor. Mr. Hyndman abstains.

Chairman Lonergan briefly explains the purpose of the meeting tonight and the Boards responsibilities for reviewing the Ordinance for consistency with the Master Plan. He notes for the record the Board has received letter from concern residents, Ms. Erica Davila and Mr. Kevin Smith.

**Public Hearing**

Chairman Lonergan asks if anyone from the public would like to address the board. Erica Davila from 32 Sunset, notes the Master Plan had 17 goals and objects related to fair share housing, and in her opinion this redevelopment plan fails to meet all but one. She highlights a few of the goals written in the Master Plan and how the redevelopment plan is inconsistent with them. She adds the different Township ordinances this developer would be exempt from under this proposed plan. Anne Studholme notes she is a lawyer for the First Ridge people. She adds that she has a professional planner she intends to introduce, and that the redevelopment plan misidentifies the state redevelopment plan area. She believes the property to be in PA5 not PA1 as the plan describes.

Mr. Peter Steck from 80 Maplewood Avenue in Maplewood, states he is a licensed planner in the state, and that in his opinion this redevelopment plan is inconsistent with the Master Plan, he adds that he does not think this plan meets the standards of the Local Redevelopment and Housing Law. He notes one requirement is to compare the plan with policies of adjacent municipalities and the plan does not include and analysis of Montclair. He adds the property is not in a PA1 growth zone, but in an environmentally sensitive PA5 zone, which the state plan discourages growth in.

Jack Easley from 18 Sunset, notes he submitted an email to the Board for the record. He adds his concern for traffic and safety for his children who play in the area if there are that many additional cars from the development. Jonathan McElroy from 76 Sunset, asks the Board to put themselves in the shoes of the residents in the area and show empathy for the situation. Daniel Callahan from 15 Afterglow Avenue, echoes the other residents concerns. He adds he thinks traffic and buffer zones will be a problem, he adds that there are opportunities for apartments in other parts of town.

Danielle Mueller from 21 Linden Avenue, agrees with previous residents concerns, and is concerned that it would set a bad precedent moving forward. Maria Squilanti from 6 Belleclair Place, comments that council members have encourage residents to attend the Planning Board meeting with the impression that this Board makes the final determination. She adds that she feels this should be a concern for all Verona residents, and that this plan is not consistent with the Master Plan.

Mr. Mascera notes for the record that the Boards responsibility tonight is to review the Ordinance for consistency with the Master Plan, and make recommendations to the Governing Body in the form of a report. He adds that the Governing Body ultimately adopts the redevelopment plan and can do so even if the Planning Board determines it is not consistent with the Master Plan. Chairman Lonergan reads 40A:12A-8 subsection "d" and "e" into the record. Mr. Mascera adds that the fairness hearing has not yet been held for anyone wishing to attend and express their concerns to the court in Newark.

Kevin Smith from 11 Gordon Place, concurs with the other residents and asks the Board to consider the residents in the area. He adds that traffic, storm water, and buffers are a concern for him and that preserving the historic nature of neighborhoods should also be preserved. John Quattrocchi from 44 Afterglow Way, notes he just sent via email Peter Stecks letter to the community, and reiterates that the Town Council has instructed residents to come to the Planning Board with concerns. He adds that he strongly encourages the Board to consider not allowing the waiver of specific ordinances mentioned in the plan and asks about the percentage of coverage of the entire parcel, being the full 8 acres or just the 5.5 acres in Verona.

Mr. Mascera notes for the record that he is involved in a matter where Mr. Quattrocchi is on the opposite side, and he was unaware that Mr. Quattrochi would be speaking tonight. He adds that he has no role in the Boards deliberation, but wanted to make the Board aware.

Shannon Heffernan from 83 Franklin Street, wants to lend her support to the previous caller's thoughts and echoes their concerns. Corisa Walker from 74 Sunset, notes she is not completely opposed to the project and believes that the problem lies with giving the developer complete control, she adds the developer should be held to the same standards are every other homeowner in town.

Erica Davila comes back on and addresses the contents of the settlement agreement commenting the agreement requires an ordinance to allow the building of 200 units with 15 being affordable not require the developer to be exempt from other Township ordinances. Anne Studholme comes back on and comments that individual notice is not required for the fairness hearing spoken about earlier. Jack Easley comes back on and expresses issues with ambiguity in the discussion tonight, he adds if he was doing work as homeowner he would have to submit lot of plans and doesn't understand why there is a need to build 200 units to get 15 affordable.

Justin Dobies from 60 Lakeside Avenue, expresses the same concerns as previous residents and notes that future developments should fit into the community and he doesn't feel that this does. Lena Morales from 5 Robert Court, agrees with all previous residents comments and adds that things should be done the right way and the plan does not justify this. Maria Conte from 25 Afterglow Avenue, agrees with all previous speakers and asks the Board to consider all the objections that have been voiced tonight. Jonathan McElroy comes back and asks the Board

perspective on the development as residents. Chairman Lonergan notes the Board will deliberate after public comment.

Chairman Lonergan calls for a break at 8:48 PM. Chairman Lonergan calls the meeting back to order at 9:00 PM.

### **Review Township Council Ordinance 2021-01**

“ADOPTING THE REDEVELOPMENT PLAN ENTITLED “THE SUNSET AVENUE REDEVELOPMENT AREA” PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW N.J.S.A. 40A:12A-1 et seq.

Chairman Lonergan asks to go around and hear from members of the Board. Mr. Hyndman comments that he feels this redevelopment plan is not consistent with the Master Plan, mainly because the Master Plan does not address affordable housing for this property. He notes that this property is zoned as low density, single family residential. He makes a recommendation to have a more detailed plan that includes bulk massing site lay outs. He also recommends adding specifics for green infrastructure, screening mechanisms and addressing setbacks.

Mr. Benecke briefly explains fair share housing projects, he notes that the plan includes all protections necessary in regards to storm water, trees and landscaping. He adds there shall be no run off to adjacent properties, there shall be a vegetation plan and landscape plan all included in the redevelopment plan. He also notes that a presentation was made that included buffers and bulk standards, and was changed to include a 50 foot buffer throughout the perimeter of the property. He explains that the project was negotiated down to include 2 acres in Montclair to remain as open space, and in addition to 7.5 percent being affordable, part of the agreement is the payment of \$3.25 million dollars to the Townships affordable housing trust fund.

Mr. Hyndman adds that he would like to see an updated housing element and fair share plan. He concludes by stating he would like to see some massing concepts, architectural guidelines, and more specifics than what has been presented.

Mr. Freschi states that he also feels that what was presented is inconsistent with the Master Plan. He adds specifically the coverage of the building, its size and height, which would effect the steep slope, soil removal, storm water, and trees. Mr. Neale agrees with Mr. Hyndman on wishing there were more specifics shown to be able to review. He also agrees that the coverage and storm water could be concerning.

Ms. Pearson speaks about the Townships steep slope ordinance and notes she highly recommends that being added back as part of this redevelopment plan. She adds that the whole redevelopment plan cites incorrect code numbers. She would like to see the words “new” and “recommended” taken out in the sections related to storm water management, as to not give the developer a choice of which regulations under the storm water ordinance they have to follow. She also suggests changing the wording from “as is seen as applicable” to “maximum extent practical,” in the same section. She notes other sentences where the wording is giving the developer the choice to comply or not comply, and she would like to see different, concrete wording that spells out what would be required. Ms. Pearson also adds her strong objection to the removal of the tree ordinance from the plan. She concludes by stating that if this plan proceeds it would be the most density allowed in the town.

Mr. DeOld comments that he is conflicted, he sees things that are very inconsistent with the Master Plan, but some of them can be corrected if there were more specific plans to review. Mr. Camuti comments that he sees multiple inconsistencies with the Master Plan, specifically to promote appropriate population densities that will contribute to the wellbeing of neighborhoods, steep slopes, and limiting development in environmentally sensitive areas.

Deputy Mayor Roman asks for clarification on the state the state planning area, the plan describes it as being a P1 area but comments from Mr. Steck have stated it is a P5, environmentally sensitive area. Mr. Benecke testifies that the entire Township is in a P1 planning area, with certain slivers in Essex County being in P5, and he is unsure why Mr. Steck would think the property would fall in anything other than what the plan states. Deputy Mayor Roman asks if the Townships steep slope ordinance was applied to this development in its entirety what would happen to this plan. Mr. Benecke notes that certain aspects of the plan would not be able to be built, including how the building was moved

closer to Bloomfield Avenue and the building height would need to be increased to accommodate the 200 units. Deputy Mayor Roman notes there is no language specifying what amenities are permitted to be constructed as part of the project, and would recommend more specific language.

Mayor McEvoy asks about the 75 percent coverage being on the full 8 acres, and how it is possible if only 5.5 acres are in Verona. Mr. Bencke notes that the other 2 acres would be a buffer area and set aside area, and there is no control over the property except for the zoning and the property has always been partially in Montclair and is included in the metes and bounds description on their deed. Mayor McEvoy notes a large portion of that acreage is extremely steep sloped and that 75 percent of 8 acres is 6 acres and the property in Verona is only 5.5 acres, therefore the numbers do not make sense. Mayor McEvoy also expresses concern that the Townships tree ordinance does not have to be upheld as part of this redevelopment plan. Mr. Mascera notes that if there is concern for another permitting process the Board can recommend adding the developer must comply to the Townships tree ordinance but the fees associated can be waived.

Chairman Lonergan notes that some of the points are inconsistent with the Master Plan, in his view. He asks to make bullet points from the Board to make recommendations to the Township Council. Ms. Pearson adds that she would like to see the storm water ordinance to be passed by the Council in the coming weeks, be the standards that this development have to adhere to, as well as the steep slope ordinance.

Ms. Chelsea Gleis goes through some points of the Master Plan that she feel supports the redevelopment plans consistency. There is discussion on how much rental inventory Verona should have, how many should be affordable, and the Townships rent control ordinance.

There is discussion amongst the Board on having a special meeting to continue the discussion, as it is getting late and to give Mr. Mascera time to prepare a report that the Board can review and vote on. The Board decide to hold the special meeting on Tuesday, February 9<sup>th</sup> at 7:30 PM.

Chairman Lonergan asks for a motion to continue the meeting to February 9<sup>th</sup> at 7:30 PM. Deputy Mayor Roman makes the motion, Mr. Camuti seconds. All present vote in favor.

## **Adjourn**

After a motion made by Deputy Mayor Roman and seconded by Ms. Pearson, there was a unanimous vote to adjourn at 10:45 PM.

Respectfully submitted,

Ashley Neale  
Planning Board Secretary

*PLEASE NOTE: Meeting minutes are a summation of the hearing. If you are interested in a verbatim transcript from this or any proceeding, please contact the Planning Board office at 973-857-4805.*